	Application No.	Applicant(s)
Notice of Allowability	09/540,011	KIGHT ET AL.
	Examiner	Art Unit
	Yogesh C. Garg	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *RCE filed on 3/8/2007 & Telephone Interview on 3/29/07* .

2. ☒ The allowed claim(s) is/are *37,38,42,43,47,48,53,54,57,58,61 and 62.*

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

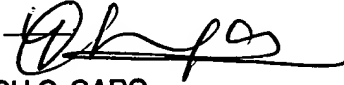   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☒ to Paper No./Mail Date *1/2/2004.*

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
        Paper No./Mail Date _____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08),
    Paper No./Mail Date 3/8/2007

4. ☐ Examiner's Comment Regarding Requirement for Deposit
    of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
    Paper No./Mail Date *4/09/2007* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 3/8/2007 has been entered.

Response to Amendment

2.   Applicant's amendment received on 3/8/2007 is acknowledged and entered. Claims 37, 42 and 47 have been amended. New claims 51-63 have been added. Claims 37-38, 42-43, 47-48 and 51-63 are pending for examination.

EXAMINER'S AMENDMENT

3.   An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Rhett S. White on 3/29/2007.

The application has been amended as follows:

Current Amendments to the Claims:

This listing of claims may replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1 – 36 (previously cancelled)

37. (currently amended) A method ~~for maintaining a master merchant file database~~, comprising ~~the steps of~~:

receiving a list identifying one or more merchants from a consumer;

searching a master merchant file database, including information associated with merchants that has been received from other consumers, to determine if information associated with at least one of the identified one or more merchants is included in the master merchant file database; ~~and~~

adding information associated with at least one of the <u>identified</u> one or more merchants to the master merchant file database if information associated with the at least one of the <u>identified</u> one or more-merchants is determined not to be included in the master merchant file database[;]<u>,</u>

wherein a merchant credit limit is associated with <u>each of the</u> at least one of the <u>identified</u> one or more merchants[.]<u>;</u>

<u>receiving a request to pay a bill associated with one of the at least one of the identified one or more merchants on behalf of the consumer; and</u>

processing the request to generate an instruction to pay the bill, wherein the

merchant credit limit associated with the one of the at least one of the identified one or

more merchants is utilized in the processing of the payment request.

38. (currently amended) The method of claim 37, wherein the request to pay a

bill is a request to pay a first bill and further comprising the steps of:

receiving, via a network, a request to pay a second bill associated with a

merchant on behalf of the consumer;

searching the master merchant file database to determine if information

associated with the merchant is included in the master merchant file database;

adding information associated with the merchant to the master merchant file

database if information associated with the merchant is determined to not be included in

the master merchant file database; and

processing the request to generate an instruction to pay the second bill.

39-41. (previously cancelled)

42. (currently amended) A system for maintaining a master merchant file

database, comprising:

a network interface configured (i) to receive a list of one or more merchants from

a consumer, and (ii) to receive a request to pay a bill associated with one of the one or

more merchants on behalf of the consumer;

a storage device configured to store a master merchant file database including merchants identified by other consumers; and

a processor configured (i) to search the master merchant file database to determine if each of the one or more merchants on the received list is included in the master merchant file database, (ii) to add at least one of the one or more merchants from the list to the master merchant file database, if the at least one of the one or more merchants is determined to not be included in the master merchant file database, ~~and~~ (iii) to associate a merchant credit limit with <u>each of the</u> at least one of the one or more merchants added to the master merchant database<u>, and (iv) to process the payment request to generate an instruction to pay the bill, wherein the merchant credit limit associated with the one of the at least one of the one or more merchants is utilized in the processing of the payment request</u>.

43. (currently amended) The system of claim 42, wherein:

the network interface is further configured to receive a request to pay a <u>second</u> bill associated with another merchant on behalf of the consumer; and the processor is further configured to:

search the master merchant file database to determine if the other merchant is included in the master merchant file database;

add the other merchant to the master file database if the other merchant is determined to not be included in the master merchant file database; and

process the request to generate an instruction to pay the <u>second</u> bill.

44-46. (previously cancelled)

47. (currently amended) An article of manufacture ~~for maintaining a merchant database~~, comprising:

a computer readable medium; and

computer programming stored on the medium;

wherein the stored computer programming is configured to be readable from the computer readable medium by a computer to thereby cause the computer to operate so as to:

receive a list identifying one or more merchants from a consumer;

search a master merchant file database, including merchants identified by other consumers to determine if each of the one or more merchants on the received list is included in the master merchant file database;

add at least one of the one or more merchants to the master merchant file database if the at least on of the one or more merchants is determined to not be included in the master merchant file database; ~~and~~

associate a merchant credit limit with <u>each of the</u> at least one of the one or more merchants added to the master merchant file[.];

<u>receive a request to pay a bill associated with one of the at least one of the one or more merchants on behalf of the consumer; and</u>

process the payment request to generate an instruction to pay the bill, wherein the merchant credit limit associated with the one of the at least one of the one or more merchants is utilized in the processing of the payment request.

48. (currently amended) The article of manufacture according to claim 47, wherein the computer readable medium is further readable to cause the computer to:

receive, via a network, a request to pay a second bill associated with another merchant on behalf of the consumer;

search the master merchant file database to determine if the other merchant is included in the master merchant file database;

add the other merchant to the master merchant file database to determine if the other merchant is not included in the master merchant file database; and

process the request to generate an instruction to pay the second bill.

49-50. (previously cancelled)

51. (Cancelled) The method of claim 37, further comprising:

receiving, via a network, a request to pay a bill associated with the at least one of the one or more merchants on behalf of the consumer; and

processing the request to generate an instruction to pay the bill.

52. (Cancelled) The method of claim 51, wherein the merchant credit limit is

utilized in the processing of the payment request.

53. (Currently Amended) The method of claim [51] 37, wherein ~~each of the one~~

~~or more merchants is associated with a respective~~ the merchant credit limit associated

with the one of the at least one of the one or more merchants is specific to the one of

the one or more merchants.

54. (Previously Presented) The method of claim 37, further comprising:

associating an account scheme with the at least one of the one or more

merchants.

55. (Cancelled) The method of claim 54, further comprising:

determining if an account number associated with the consumer and the at least

one of the one or more merchants conforms to the account scheme.

56. (Cancelled) The system of claim 42, wherein:

the network interface is further configured to receive a request to pay a bill

associated with the at least one of the one or more merchants on behalf of the

consumer; and

the processor is further configured to process the request to generate an

instruction to pay the bill.

57. (Currently Amended) The system of claim 42, wherein ~~each of the one or more merchants is associated with a respective~~ the merchant credit limit <u>associated with the one of the at least one of the one or more merchants is specific to the one of the one or more merchants</u>.

58. (Previously Presented) The system of claim 42, wherein, the processor is further configured to:

associate an account scheme with the at least one of the one or more merchants.

59. (Cancelled) The system of claim 58, wherein, the processor is further configured to:

determine whether an account number associated with the consumer and the at least one of the one or more merchants conforms to the account scheme.

60. (Cancelled) The article of manufacture according to claim 47, wherein the computer readable medium is further readable to cause the computer to:

receive, via a network, a request to pay a bill associated with the at least one of the one or more merchants on behalf of the consumer; and

process the request to generate an instruction to pay the bill.

61. (Currently Amended) The article of manufacture according to claim 47,

wherein ~~each of the one or more merchants is associated with a respective~~ the

merchant credit limit <u>associated with the one of the at least one of the one or more</u>

<u>merchants is specific to the one of the one or more merchants</u>.

62. (Previously Presented) The article of manufacture according to claim 47,

wherein the computer readable medium is further readable to cause the computer to:

associate an account scheme with the at least one of the one or more

merchants.

63. (Cancelled) The article of manufacture according to claim 62, wherein the

computer readable medium is further readable to cause the computer to:

determine whether an account number associated with the consumer and the at least

one of the one or more merchants conforms to the account scheme.

Allowable Subject Matter

4.   Claims 37-38, 42-43, 47-48, 53-54, 57-58 and 61-62 are allowed. Claims 37, 42

and 47 are independent claims and the rest are dependencies of these claims

5.   The following is an examiner's statement of reasons for allowance:

With reference to claim 37, the prior art of record, either alone or in combination,

does not fairly teach or suggest or render unpatentable a method for bill payment

comprising, inter alia, the steps, as a whole, receiving a list identifying one or more

merchants from a consumer, searching a master merchant file database, including

information associated with merchants that has been received from other consumers, to

determine if information associated with at least one of the identified one or more

merchants is included in the master merchant file database, adding information

associated with at least one of the identified one or more merchants to the master

merchant file database if information associated with the at least one of the identified

one or more-merchants is determined not to be included in the master merchant file

database, wherein a merchant credit limit is associated with each of the at least one of

the identified one or more merchants, receiving a request to pay a bill associated with

one of the at least one of the identified one or more merchants on behalf of the

consumer and processing the request to generate an instruction to pay the bill, wherein

the merchant credit limit associated with the one of the at least one of the identified one

or more merchants is utilized in the processing of the payment request.

The reasons for allowance for dependent claims 38, 53-54 of claim 37 are same

as set forth above for claim 37.

Since the language and limitations of the other independent claims 42 and 47 are

closely parallel to that of claim 37 the reasons for allowance for these claims are similar

to the ones set forth above for claim 37. The reasons for allowance for dependent

claims 43, 57-58 of claim 42 and dependent claims 48, 61-62 of claim 47 are also same

as set forth above for claim 37.

Discussion of Most Relevant Prior Art

6.   The best prior art of record, used by the examiner in the Final Office Action

mailed on 6/24/2004, is U.S. Patent No. 5,220,501 to Lawlor et al. ("Lawlor") in view of

an article entitled "4-in-1 Accounting: The Basics from Real World" that was written by

White et al. ("White"). The applicant's remarks (see pages 10-12 filed on 3/8/2007) are

persuasive and compelling that Lawlor combined with White does not fairly teach or

render obvious the currently amended claims 37, 42 and 47, see below:

"....*Lawlor is directed to a system that provides banking type financial transactions, including*

payment of bills, via remote data terminals that communicate with a central computer using the ATM

network (column 1, lines 6-16). To use billpaying features, customers provide a service provider

associated with the central computer a list of payees in advance (column 10, lines 66-68). The customer

may then instruct the service provider to pay bills via the remote data terminal (column 1 I, lines 16-21

and column 33, lines 3-23). In order to pay a bill, the service provider first debits the customer's account

via the ATM network at his/her network bank in order to provide an automatic account inquiry/balance

check and ensure that the customer does not overdraw his bank account (column 11, lines 43-59, column

33, lines 37-50, and column 34, lines 35-40). The service provider then sends a payment to the payee via

either an electronic method, such as through the Automated Clearing House (ACH) system or through the

ATM network (column 11, lines 61-67) or, via a paper check (column t 1, lines 55-60).

White discusses an accounting system for small businesses that assists users in tracking

accounts payable, accounts receivable, and payroll (page 1, lines 1-5). Information may be maintained in

a vendor file for each of the user's vendors in order to process invoices due to each vendor and to record

and process disbursements made to each vendor (page 4, lines 18-23). The accounts payable module of

White allows a vendor to be added to the vendor file on the fly if an invoice is entered for a vendor that is

not yet established in the vendor file (page 4, lines 40-50).

Although Applicants contend that the combination of White and Lawlor is improper because White is not analogous art to the present invention, in order to expedite the prosecution of the present Application, Applicants have amended independent claims 37, 42, and 47 to more fully distinguish the present invention from the prior art. Applicants respectfully assert the outstanding rejection of Claims 37-48 is traversed in view of the amended claims. **Specifically, each of the independent claims have been amended to recite that a merchant credit limit is associated with at least one of the one or more merchants added to the merchant database.** *As discussed on at least page 12, lines 9-12, and page 14, lines 14-18 of the Specification, a transaction may be compared to a merchant credit limit to determine if the transaction amount exceeds the payment limit for the particular merchant. Because the present invention comprises risk-based systems and methods (i.e., the funds are not required to be present in the account at the time the payment request is processed), such edits are performed to minimize risk. Applicants respectfully assert that neither Lawlor nor White discloses, teaches and/or suggests this limitation. In particular, Lawlor fails to disclose any risk analysis or equivalent payment analysis to determine if a transaction amount exceeds a limit associated with the merchant. In fact, because Lawlor discloses a good funds transaction system where a debit is made only if funds are available (see, e.g., column I 1, lines 22-52, column 33, lines 23-25, and column 34, lines 35-36), Lawlor teaches away from the use of a payment limit associated with a merchant. Similarly, White fails to provide any teaching or suggestion of a merchant limit as White is directed to accounting software that balances accounts payable and account receivable, not to a bill payment system.*

For at least the above reasons, Applicants respectfully assert that amended independent claims 37, 42, and 47 are allowable over the recited art and are in condition for allowance...... "
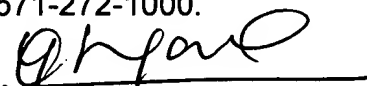
7.   "Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-

6756. The examiner can normally be reached on Increased Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
4/2/2007